

REMARKS

I. Formalities

Claims 1-36 remain in the subject patent application. Claims 1, 8, 11, 22-23, 27, and 28 are amended. Specifically, claim 1 has been amended by incorporation an element of claim 11 into claim 1 and these features cancelled from claim 11. Claims 8, 22, and 27 have been amended to obviate the §112 rejection. Claims 8 and 22 have also been amended to require the third and fourth subsystem “include a voltage boost circuit.” This amendment is supported by the original claim 8 and 22. Claim 23 has been amended to incorporate a portion of the features of claims 29 and 31. Claim 28 has been made independent by incorporating the features of the originally filed claim 23.

New claim 36 has been added to better scope the invention. New claim 36 is supported by, at least, originally filed claims 1 and 11. Thus, no new matter has been added by any of the aforementioned changes to the claims.

The Specification has been amended to correct the minor typographical mistakes and both the Specification and Drawings have been amended to eliminate internal inconsistencies. No new matter has been added by the aforementioned changes.

II. Remarks Regarding the Objections to the Specification

The informalities in the Specification raised by the Examiner on cipher 1 on page 2 have been corrected and, as well as, other minor typographical mistakes.

The objections raised by the Examiner in cipher 2 on page 2 have also been obviated. Specifically, lines 21-22 on page 13 have been amended to state the “electrical power signal, with boosted voltage, is passed to filter circuit 530,” not the modulation/demodulation circuit 520. Lines 16-17 on page 14 have similarly been amended. Furthermore, every mention of data modem 570 has been removed from the Specification.

Furthermore, the Examiner posits the feature in claim 32 of “compensating for attenuation of the video signal before transmitting the video signal across the second wire pair” requires an attenuation compensation circuit in the first subsystem (Detailed Office Action, dated

04/05/06, cipher 2, page 3). However, in the embodiment shown in FIG. 13, pre-emphasis circuit 551, which can be part of the first subsystem, can be “designed to emphasize the high frequency component of the video signals, before such signals are transmitted, in anticipation of the high frequency attenuation that occurs over long lengths of electrical cable 130” (Specification page 20, lines 6-9). Thus, it is not necessary to have an attenuation compensation circuit in the first subsystem to compensate for attenuation of the video signal before transmitting the video signal across the second wire pair. Accordingly, it is respectfully submitted that, claim 32 is fully supported by and consistent with the Specification and withdrawal of this objection is therefore requested.

III. Remarks Regarding the Drawings Objections

The Drawings have been objected to under 37 CFR 1.83(a) for failing to show every element of claim 32 and under 37 CFR 1.84(p)(5) for failing to show every reference signal mentioned in the Specification and for showing reference characters not mentioned in the description.

The Examiner objects to the drawings under 37 CFR 1.83(a) because the drawings allegedly fail to show all of the elements of claim 32. Specifically, according to the Examiner, the drawings do not show “the first subsystem comprising an attenuation compensation circuit, as required by claim 32” (Detailed Office Action, dated 04/05/2006, cipher 3).

However, claim 32 does not include the requirement of “the first subsystem comprising an attenuation compensation circuit.” Claim 32 requires “compensating for attenuation of the video signal before transmitting the video signal across the second wire pair.” As argued above, this feature is shown, at least, in FIG. 13 because pre-emphasis circuit 551, which can be part of the first subsystem, can be “designed to emphasize the high frequency component of the video signals, before such signals are transmitted, in anticipation of the high frequency attenuation that occurs over long lengths of electrical cable 130” (Specification page 20, lines 6-9). Accordingly, it is respectfully submitted that, the drawings show every element of claim 32 and withdrawal of the objection to the drawings is therefore requested.

Regarding the objects to the drawings as failing to comply with 37 CFR 1.84(p)(5) because the drawings do not show all reference signals mentioned in the Specification, the Specification and drawing have been amended to obviate this objection. Specifically, all references to data modem 570 in the Specification have been removed. Additionally, reference signals 551 and 651 have been added to FIGs. 13 and 14, respectively. Reference signals 515 has also been added to FIG. 11 because reference signal 515 is mention on line 22 of page 18, and lines 1 and 4 of page 19 but not shown in the Drawings.

In regards the objections to the drawings as failing to comply with 37 CFR 1.84(p)(5) because the drawings show reference characters not mentioned in the description, the Specification and drawings have been amended to obviate the objection. Specifically, reference characters R62 in FIG. 11, R60, R61, R76, and R79 in FIG. 12, R24, R25, R26, R27, R28, R29, R30, R31, R82, C18, and C28 in FIG. 13, and R18, C8, C16, Q1, Q2 and U5 in FIG. 14 have been deleted. Reference character R34, C34, and D3 in FIG. 7 were not removed because these reference characters are mentioned in the original Specification on pg. 18 line 13.

Furthermore, the paragraph beginning on line 22 of page 9 has been amended to refer to reference characters 231 and 232 of FIG. 3. Support for this change is found in FIG. 3 and the abstract, which mentions ends 231 and 232.

The paragraph beginning on line 3 of page 12 has been amended to refer to reference characters 431 and 432 of FIG. 3. Support for this change is found in FIG. 4 and the lines 12-14 on page 12, which state electrical cable 430 can be similar to electrical cable 130.

IV. Information Disclosure Statement

A supplemental information disclosure statement is being filed concurrently with this response to office action. This supplement information disclosure statement includes the documents included with but not cited on the previous information disclosure statement.

V. Response to the 35 U.S.C §112 Rejections

Claims 8, 22, and 27 are rejected under the second paragraph of 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicant regards as the invention. Specifically, the Examiner states the phrase “substantially similar” in claims 8, 22, and 27 is indefinite. Claims 8, 22 and 27 have been amended to remove the phrase “substantially similar.” Thus, the §112 rejection of claims 8, 22, and 27 is rendered moot. Furthermore, claim 22 should be allowed because no other rejections exist in regards to this claim.

VI. Response to the 35 U.S.C. §102 Rejections

Claims 1, 4, 8, 10, 11, and 23 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 6,998,963 to Flen et al. (hereinafter “Flen”). This rejection is respectfully traversed in view of the comments hereinbelow.

A. Remarks Directed to Claim 1

Independent claim 1, as amended, requires, in part, “the first subsystem includes a voltage boost circuit.” Flen does not teach a voltage boost circuit in the first subsystem. Rather, Flen teaches stepping down the voltage between distribution substation 102 and endpoint 104 (column 4, lines 42-44). Accordingly, it is respectfully submitted that, claim 1, as amended, is not anticipated nor rendered obvious by Flen.

B. Remarks Directed to Claims 4, 8, 10, and 11

Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). Therefore, claims 4, 8, 10, and 11, which depend, directly or indirectly, from independent claim 1, are also not anticipated nor rendered obvious by Flen for at least the same reasons as listed earlier for claim 1, as well as their own limitations, and should also be allowed for at least those same reasons.

Furthermore, claim 8, as amended, requires, in part, “a third subsystem includes a voltage boost circuit [and] ... the fourth subsystem includes a voltage boost circuit.” Flen does not teach

a voltage boost circuit in the third or fourth subsystems. Claim 8, as amended, is therefore further allowable for at least this additional reason.

Furthermore, claim 10, as amended, requires “the first subsystem comprises: a modulation/demodulation circuit; a filter circuit; a detection circuit; and a pre-emphasis circuit.” Flen does not teach a first subsystem with all of these elements. Flen teaches a distribution substation 102, which includes, in part, a main transformer 300, a substation transceiver unit 108, a power line coupler 346, distribution line 106, metering loop 307 and a central office 334 (FIG. 3). Nowhere within the four corners of Flen is a first subsystem comprising a modulation/demodulation circuit, a filter circuit, a detection circuit, and a pre-emphasis circuit taught or suggested. Claim 10, as amended, is therefore further allowable for at least this additional reason.

C. Remarks Directed to Claim 23

Independent claim 23, as amended, requires, in part, “compensating for attenuation of the video signal before transmitting the video signal across the second wire pair” Flen does not teach transmitting a video signal and thus cannot teach compensating for attenuation of the video signal before transmitting the video signal. Accordingly, it is respectfully submitted that, claim 23, as amended, is not anticipated nor rendered obvious by Flen.

VII. Response to the 35 U.S.C. §103 Rejections

Claims 2, 4-6, 24, 25, and 27 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent Application Publication No. 2002/0038334 to Schneider et al. (hereinafter “Schneider”)

Claims 3 and 9 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent No. 7,015,397 to Clark.

Claims 7 and 26 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent Application

Publication No. 2002/0038334 to Schneider and in further view of U.S. Patent Application Publication No. 2003/0131127 to King et al. (hereinafter “King”).

Claims 12 is rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent No. 5,983,085 to Zamat et al. (hereinafter “Zamat”).

These rejections are respectfully traversed in view of the comments hereinbelow.

A. Remarks Directed to Claims 2, 4-6, 24, 25, and 27

Claims 2, 4-6, 24, 25, and 27 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable over Flen in view of Schneider. Claims 2, 4-6, 24, 25, and 27 depend, directly or indirectly, on independent claims 1 or 23. Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). The deficiencies of Flen in relation to claims 1 or 23 are discussed supra.

Schneider does not provide the missing teaching of Flen that the first subsystem includes a voltage boost circuit or that compensating for attenuation of the video signal before transmitting the video signal across the second wire pair. Schneider teaches a system for remotely accessing and controlling a switch and a computer using a controller (Abstract).

Therefore, claims 2, 4-6, 24, 25, and 27 are also not anticipated nor rendered obvious by Flen, Schneider or the combination of Flen and Schneider for at least the same reasons as listed earlier for claims 1 or 23, as well as their own limitations and should also be allowed for at least those same reasons.

Furthermore, references cannot be combined where there is no suggestion in any of them that they can be combined to meet the recitations of applicants' claims. It is respectfully submitted that there is no teachings in either Flen or Schneider that suggests or teaches their combination.

The Examiner claims it would be obvious to combine the references because “only one cable would be needed to transmit both data and electrical power instead of two.”¹ However, neither reference teaches using “only one cable ... to transmit both data and electrical signals instead of two.” Flen teaches a distribution line 106, which transmits three phase power, with three separate conductors 302, 304, and 306 (column 6, line 45-47). Schneider teaches providing the data signal through a network, and the power to the computer is provide through a power cord. Thus, neither reference teaches, “using only one cable ... to transmit both data and electrical power instead of two,” and no motivation, other than hindsight reasoning, exists to combine the references.

Additionally, Furthermore, claim 8, as amended, requires, in part, “a third subsystem includes a voltage boost circuit [and] ... the fourth subsystem includes a voltage boost circuit.” Flen does not teach a voltage boost circuit in the third or fourth subsystems. Claim 8, as amended, is therefore further allowable for at least this additional reason.

B. Remarks Directed to Claims 3 and 9

Claims 3 and 9 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent No. 7,015,397 to Clark.

Claims 3 and 9 depend directly on independent claim 1. Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). The deficiencies of Flen in relation to claim 1 are discussed supra.

Clark does not provide the missing teaching of Flen that the first subsystem includes a voltage boost circuit. Clark teaches a method of twisting pairs of insulated conductors (Abstract). Clark does not teach a system for providing electrical power to a system and thus cannot teach a first subsystem with a voltage boost circuit.

¹ Despite the Examiner’s implication, to the contrary, Applicant notes that none of the claims 1, 2, 4-6, 23-25, and 27 limit the claimed invention to “only one cable to transmit both data and electrical power.”

Therefore, claims 3 and 9 are also not anticipated nor rendered obvious by Flen, Clark or the combination of Flen and Clark for at least the same reasons as listed earlier for claim 1, as well as their own limitations and should also be allowed for at least those same reasons.

C. Remarks Directed to Claims 7 and 26

Claims 7 and 26 are rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent Application Publication No. 2002/0038334 to Schneider and in further view of U.S. Patent Application Publication No. 2003/0131127 to King.

Claims 7 and 26 depend directly on independent claim 1 and 23, respectively. Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). The deficiencies of Flen and Schneider in relation to claim 1 and 23 are discussed supra.

The King patent application and this patent application were, at the time the invention of this application was made, owned by the same entity, Belkin Corporation of Compton, California. A statement of common ownership is attached to this Response to Office Action. Thus, the Clark reference is disqualified as prior art. 35 U.S.C. § 103(c).

Therefore, claims 7 and 26 are also not anticipated nor rendered obvious by Flen, Schneider or the combination of Flen and Schneider for at least the same reasons as listed earlier for claims 1 and 23, as well as their own limitations and should also be allowed for at least those same reasons.

Additionally, as the Examiner admits, Flen and Schneider do not teach the switch being electrically coupled between the second subsystem and the second device as required by claim 7. Claim 7 is therefore further allowable for at least this additional reason.

D. Remarks Directed to Claim 12

Claims 12 is rejected under 35 U.S.C. §103(a) as being allegedly rendered unpatentable by U.S. Patent No. 6,998,963 to Flen in view of U.S. Patent No. 5,983,085 to Zamat et al. (hereinafter “Zamat”).

Claim 12 depends directly on independent claim 1. Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). The deficiencies of Flen in relation to claim 1 are discussed supra. Therefore, claim 12, which depend from independent claim 1, is also not anticipated nor rendered obvious by Flen for at least the same reasons as listed earlier for claim 1, as well as its own limitations.

Zamat does not provide the missing teaching of Flen that the first subsystem includes a voltage boost circuit. Zamat teaches an apparatus for compensating for output variation in a base transceiver station in a cellular network (Abstract). Zamat does not teach a system for providing electrical power to a system and thus cannot teach a first subsystem with a voltage boost circuit.

Therefore, claim 12 is also not anticipated nor rendered obvious by Flen, Zamat or the combination of Flen and Zamat for at least the same reasons as listed earlier for claim 1, as well as its own limitations and should also be allowed for at least those same reasons.

VIII. Remarks Regarding the New Claim 36

New claim 36 is fully supported by the Specification. New claim 36 is supported by, at least, originally filled claims 1 and 11. Accordingly, Applicants respectfully submits that no new matter is added herein. Applicants further respectfully submit that Flen, Schneider, Clark, Zamat or any combination thereof fails to show, disclose, teach, or suggest the limitations of the new claim 36. Specifically, none of the cited references teach the first subsystem includes a pre-emphasis circuit. Thus, claim 36 should be allowable for at least this reason.

IX. Remarks Directed to the Allowable Subject Matter

Claims 13-21 and 28-35 were objected to as being dependent upon a rejected base claim. The Office Action indicated that claims 13-21 and 28-35 would be allowable if it were rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is submitted that claim 13 is already in independent form and should be allowed, along with claims 14-21, which depend therefrom.

Claim 28 has been rewritten in independent form by incorporating all of the limitations of the base claim and any intervening claims and should be allowed, along with claims 29-35, which depend therefrom.

X. Remarks Directed to the References not Relied Upon but Cited as Being of Interest

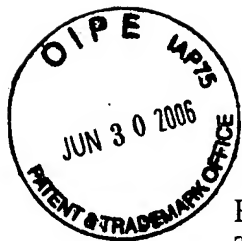
The references that were cited as of interest to this application, but not relied upon for any claim rejection, are believed to neither show, disclose, teach, nor suggest any of the claims in the pending application.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. In light of the remarks set forth above, Applicants respectfully request reconsideration and allowance of all of the pending claims.

All fees believed to be due in connection with this Response to Office Action, as calculated in the accompanying Fee Calculation Sheet, are submitted herewith. However, the Commissioner for Patents is hereby authorized to charge any additional required fees necessitated by this Response to Office Action, or credit any overpayment, to Account No. 02-4467.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants invite Examiner Kaplan call the undersigned attorney at the Examiner's convenience.



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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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